

REMARKS

The Office Action dated June 12, 2008 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1-84 are currently pending in this application, including independent claims 1, 19, 37, 52, and 67-69. In particular, Applicants here amend claims 1-4, 6-12, 14, 15, 17-21, 28-30, 32, 35, 37, 38, 44-46, 48, 50-56, and 61-66, and add new claims 67-84. It is respectfully submitted that the amendments and addition add no new subject matter to the present application and serves only to particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention. Therefore, entry of the claim amendments and additions are respectfully requested. Claims 1-84 are respectfully presented to reconsideration in view of the amendments and the following remarks.

Improper Final Office Action

As an initial item, Applicants note that under 37 C.F.R. §1.114(d), if Applicants submit a proper Request for Continued Examination, "the Office will withdraw the finality of any Office action and the submission will be entered and considered." Therefore the finality of the pending Action is improper and should be removed.

Applicants further note that the Examiner was contacted on July 24, 2008 regarding this concern, and the Examiner agreed to remove the finality of the Action.

Rejection under 35 U.S.C §102(b)

The Office Action rejected claims 1, 5-14, 16, 19, 23-32, 34, 37-47, 49, 52, and 56-66 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Publication No. 2002/0036983 (Widegren). Applicants respectfully submit that Widegren fails to disclose or suggest all of the features recited in any of the pending claims.

Claim 1, from which claims 2-18 and 84 depend, is directed to a method in which a fourth network element receives a request by a third network element for an authorization for connection parameters, wherein at least one service data flow is used in a communication connection from a first communication entity to the third network element and the communication connection aggregates multiple service flows. The fourth network element decides on the connection parameters to be authorized for the communication connection and on service data flows which can be provided for the communication connection. The fourth network element sends a decision message to the third network element, wherein the decision message includes an information portion from which, for each service data flow, it is derivable that for at least one of service data flows the fourth network element is to be consulted for a further authorization to admit the service flow.

Claim 19, from which claims 20-36 depend, is directed to a system that includes a third network element via which a communication connection is initialized, and which is configured to send a connection parameter request signaling for at least one service data flow to be used in the communication connection from a first communication entity. The system also includes a fourth network element to which the third network element requests an authorization for connection parameters. The fourth network element is configured to decide on the connection parameters to be authorized for the communication connection and on service data flows which can be provided for the communication connection, wherein at least one service data flow is used in the communication connection and the communication connection aggregates multiple service flows. The fourth network element is further configured to generate and send a decision message to the third network element, such that the decision message comprises an information portion from which, for each service data flow, it is derivable that for at least one of the service data flows the fourth network element is to be consulted for a further authorization to admit the service flow.

Claim 37, from which claims 38-51 depend, is directed to an apparatus that includes a receiver configured to receive from a third network element, via which a communication connection is initialized by a connection parameter request signaling for at least one service data flow to be used in the communication connection from a first communication entity, a request for an authorization for the connection parameters, wherein at least one service data flow is used in the communication connection and the

communication connection aggregates multiple service flows. The apparatus further includes a decider configured to decide on connection parameters to be authorized for the communication connection and on service data flows which can be provided for the communication connection. A generator in the device is configured to generate and send a decision message to the third network element wherein the decision message comprises an information portion from which, for each service data flow, it is derivable that for at least one of service data flows the apparatus is to be consulted for a further authorization to admit the service flow.

Claim 52, from which claims 53-65 depend, is directed to an apparatus that includes a first receiver configured to receive, when a communication connection is initialized by a first communication entity, a connection parameter request signaling for at least one service data flow to be used in the communication connection, wherein at least one service data flow is used in the communication connection and the communication connection aggregates multiple service flows;;

requester configured to request, from a fourth network element, an authorization for the connection parameters, wherein the fourth network element decides on connection parameters to be authorized for the communication connection and on service data flows which can be provided for the communication connection; and

second receiver configured to receive from the fourth network element a decision message wherein the decision message comprises an information portion from which, for

each service data flow, it is derivable that for at least one of service data flows the fourth network element is to be consulted for a further authorization to admit the service flow.

Applicants respectfully submit that each of the above claims recites features that are neither disclosed nor suggested in Widegren.

As described in Applicants' previous Responses, Widegren is directed to filtering and gating data flow in a QoS connection between a remote host and user equipment in a packet data network using policy control mechanisms includes a remote host initiating an application in an application server and a corresponding session between the remote host and the user equipment ("UE") via the application server. The UE requests, to a gateway support node ("GGSN") of the network, establishment of a network bearer service between the UE and the remote host. A corresponding policy control function ("PCF") in a policy server receives, from the application server, filtering data derived from session data received by the application server during the session. The GGSN interrogates the corresponding PCF in the policy server to initialize a gate using policy control filtering data at the GGSN. The gate then filters the data flow in the QoS connection according to the policy control filtering data.

Applicants again respectfully submit that Widegren fails to disclose or suggest at least the feature (see for example, paragraph [0097] and Fig. 20, steps 4-6) that an information portion is transmitted from the PCF to the GGSN (which correspond to the

fourth and third network elements, respectively) which tells whether or not the PCF controls a further authorization regarding a service in the communication connection. Widegren merely describes that some sort of decision message is exchanged, but fails to teach or suggest that any additional information portion can be included which indicates whether or not the PCF is responsible for a further authorization, as described in embodiments of the presently claimed invention, for example, in paragraphs [0050] to [0053].

Widegren discloses in paragraphs [0128] and [0129] that the PCF always controls which data may pass the gate. However, it is not disclosed in and also not derivable from Widegren that for a particular service a further authorization is necessary, as described, for example, in paragraphs [0039] and [0050] of the present application. Furthermore, there is also no disclosure in Widegren regarding an indication (or information portion) to be sent in order to indicate whether or not a further authorization is required or controlled by the fourth network element. In other words, according to Widegren, the disclosed gate is controlled by PCF, but there is no teaching or suggestion that a further authorization is required or that this kind of requirement is indicated in a decision message from another network element, as recited in claim 1. In addition, Widegren does also not disclose that multiple service flows are aggregated in one communication connection, and the further authorization is for one of services in the communication connection, as recited in claim 1. Consequently, at least the recitation in claim 1 regarding a transmission of a decision message containing the indication, for each service, of whether or not another network

element controls a further authorization regarding at least one of the service types in the communication connection is not disclosed or suggested by Widegren.

Please find enclosed a new claim set to be filed in reply to the pending OA. You are asked to file a suitable reply on the OA by the present due date of September 12, 2008, with the new claims. For the argumentation on the allowability of the new claims, please see also the following comments.

In the new claims, the independent claims are amended as indicated by corresponding marking so as to emphasize the difference of the present invention to the cited prior art, in particular to reference Widegren. In addition, the claim wording is adapted to the current Nokia Quality Guidelines. As a further general amendment, the former terms "service" and "service type" (first, second etc.) are reformulated into "service data flow" (and the like), which is derivable from the whole disclosure of the original application documents. Furthermore, new method claims 69 to 83, which are related to apparatus claims 52 to 66 (the third network element) are added, and new computer program claims 67 and 68 related to corresponding method steps of claims 1 and 69 are added. Moreover, a new dependent method claim 84 related to claim 1 is added.

In order to clarify these and other aspects of the present invention, claim 1 has been amended, for example, to clarify that a "service" and/or "service type" relate to "service data flow," as described in the present original application. Furthermore, claim 1 has been amended to clarify that multiple service flows are aggregated in one

communication connection and the further authorization is for one of services data flows in the communication connection. These and other elements of claim 1 are not taught or suggested in Widegren.

Applicants further note that Widegren does not disclose or suggest providing information to the gateway by means of which it is enabled to determine whether, for specific service data flows, an authorization is (again) requested from the PCF, or, for other specific service flows, the authorization to admit the flow can be given by the gateway itself. In other words, Widegren does not disclose that information is sent from the PCF to the GGSN, informing the GGSN of a setting for the respective service data flows in the communication connection, such that that some of these service data flows are to be authorized by the PCF. Moreover, Widegren does not disclose or suggest that the fourth network element is to be consulted for a further authorization to admit the service data flow.

In conclusion, because Widegren neither teaches nor suggests each and every limitation contained therein, claim 1 is consequently allowable over Widegren. Reconsideration and allowance of claim 1 in view of these comments are respectfully requested. Independent claims 19, 37, and 52, although of different in scope and although rejected in view of different sections of Widegren than claim 1, recite similar limitations related to a transmission of a decision message containing the indication, for each service, of whether or not another element controls a further authorization regarding at least one of the service types in the communication connection. Claims 19, 37, and

should, therefore, be allowable over Widegren for similar reasons. Applicants respectfully again submit that because claims 5-14, 16, 23-32, 34, 38-47, 49, and 56-66 depend from claims 1, 19, 37, and 52, these claims are allowable at least for the same reasons as claims 1, 19, 37, and 52, as well as for the additional features recited in these dependent claims. Based at least on the above, Applicants respectfully submitted that Widegren fails to disclose or suggest all of the features recited in claims 1, 5-14, 16, 19, 23-32, 34, 37-47, 49, 52, and 56-66. Accordingly, withdrawal of the rejection under 35 U.S.C. 102(b) is respectfully requested.

Similarly, new claims 67-84 are allowable over Widegren on similar grounds. Consideration and allowance of claims 67-84 are therefore respectfully requested. Referring now to claim 84, Applicants further urge that this claim is separately allowable over Widegren. For example, it is also not disclosed in Widegren that the fourth network element is not to be consulted for a further authorization to admit the service data flow. For example, Widegren at paragraphs [0097], [0128] and [0129], as cited in the Office Action, does not teach or suggest that other service data flows the GGSN is in charge of the authorization. Both of these measures are not shown and also not derivable in Widegren, also not in thereof. Consideration and allowance of claim 84 is respectfully requested.

Rejection under 35 U.S.C §103(a)

The Office Action further rejected claims 2-4, 15, 17, 18, 20-22, 33, 35, 36, 48, 50, 51 and 53-55 under 35 U.S.C. 103(a) as being obvious over Widegren, in view of US Patent No. 7,024,487 (Mochizuki). The Office Action took the position that Widegren disclosed all of the features recited in these claims except processing, in the third network element, the decision message for enforcing a decision of the fourth network element in the communication connection and determining, based on the information portion, types of communication connection flows of which can be admitted by the third network element without consulting the fourth network element, and types of communication connection flows which are to be controlled by the fourth network element. The Office Action asserted that Mochizuki disclosed this feature. Applicants respectfully submit that the cited references, taken individually or in combination, fail to disclose or suggest all of the features recited in any of the above claims. Specifically, Applicants respectfully submit that Widegren is deficient at least for the reasons discussed above, and Mochizuki fails to cure these deficiencies.

As discussed in the previous Responses, Mochizuki is directed to “management terminals” that send information to an “assistant server” which includes a demand information database supplied by this information (see Figs. 1, 2 or 6 and passage at col. 7, lines 30 to 48 of Mochizuki). However, Mochizuki fails to disclose any further communication between the management terminal and the assistant server. Mochizuki merely describes in Fig. 13 another case where such a later communication between the management terminal and the assistant server occurs (steps 51109 and 51110).

Hence, Mochizuki is silent regarding the management terminal also transmitting an information portion indicating, for each service, whether or not the management terminal controls a further authorization regarding at least one of the indicated service types in the communication connection.

Applicants urge that claim 1 is allowable over the combination of Widegren and Mochizuki because the deficiencies in Widegren related to claim 1 are not taught or suggested in Mochizuki. For example, Mochizuki also does not teach or suggest the new limitation in claim 1 that multiple service flows are aggregated in one communication connection and the further authorization is for one of services data flows in the communication connection.

Applicants further note that Mochizuki does not disclose or suggest providing information to the gateway by means of which it is enabled to determine whether, for specific service data flows, an authorization is (again) requested from the PCF, or, for other specific service flows, the authorization to admit the flow can be given by the gateway itself. In other words, Mochizuki does not disclose that information is sent from the PCF to the GGSN, informing the GGSN of a setting for the respective service data flows in the communication connection, such that that some of these service data flows are to be authorized by the PCF. Moreover, Mochizuki does not disclose or suggest that the fourth network element is to be consulted for a further authorization to admit the service data flow.

Thus, Mochizuki fails to cure the deficiencies of Widegren. Furthermore, the Office Action does not argue or suggest that Mochizuki would make up for any deficiencies in Widegren regarding any of the independent claims 1, 19, 37, and 52.

Based at least on the above, Applicants respectfully submit that the cited references of Widegren and Mochizuki fail to disclose or suggest all of the features recited in claims 2-4, 15, 17, 18, 20-22, 33, 35, 36, 48, 50, 51 and 53-55, that depend from the allowable independent claims 1, 19, 37, and 52. Accordingly, withdrawal of the rejection under 35 U.S.C. 103(a) is respectfully requested.

Conclusion

Applicants respectfully submit that each of claims 1-84 recites features that are neither disclosed nor suggested in any of the cited references. Accordingly, it is respectfully requested that each of claims 1-84 be allowed, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



David D. Nelson
Registration No. 47,818

Customer No. 32294
SQUIRE, SANDERS & DEMPSEY LLP
14TH Floor
8000 Towers Crescent Drive
Vienna, Virginia 22182-6212
Telephone: 703-720-7800
Fax: 703-720-7802

DDN:sjm

Enclosures: Additional Claims Fee Transmittal
Check No. 19603